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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,673	10/16/2001	Jason Lango	5693P115	6628

48102 7590 04/12/2006
NETWORK APPLIANCE/BLAKELY
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

VERBRUGGE, KEVIN

ART UNIT PAPER NUMBER

2189

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060404

DATE MAILED:

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Commissioner for Patents

The IDS submitted 3/16/06 has been entered in the file but has not been considered by the Examiner because it does not meet the requirements of 37 CFR 1.97(d). In the remarks submitted with the IDS, the Applicant states that the IDS is being submitted under 37 CFR 1.97(c). However, this section of rule 97 states that

(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application

Since the IDS is being submitted after the mailing of the notice of allowance, section (c) does not apply. Rather section (d) applies, so if Applicant still wishes the Examiner to consider the IDS, the requirements of section (d) must be met (statement and fee, filed on or before payment of the issue fee). Since the IDS fee has already been paid, all that is needed now is the statement, as long as it is filed on or before the payment of the issue fee.

Kevin Verbrugge
Primary Examiner
Art Unit: 2189